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University of Maryland Francis King Carey School of Law
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Education

Ph.D., Economics, Harvard University, 1998
J.D., *Magna Cum Laude*, Harvard Law School, 1997
M.A., Economics, University of British Columbia, 1992
B.A., *Honors*, Politics, Philosophy and Economics (PPE), Oxford University, 1991

Teaching Experience

Professor, University of Maryland Francis King Carey School of Law (July 2022 -)
Associate Professor, Emory University School of Law (June 2012 – June 2022)
Assistant Professor, Emory University School of Law (July 2007 - June 2012)
Project Leader, Global Health Law & Policy Project, Emory University School of Law (2008 - 2022)
Emory Global Health Institute Faculty Fellow, Emory Global Health Institute (2014 – 2022)

Fields of Research include regulation of healthcare markets, regulation of emerging technologies, AI and the law, genetic privacy, intellectual property & innovation, law & economics and global health law and policy.

Courses Taught include contracts, the regulation of emerging technologies, global health and development, public health law, law & policy of essential medicines, corporate accountability & social justice, intellectual property survey, patent law and intellectual property transactions.

On-line Course Work includes development and teaching of new graduate on-line contracts course and participation in broader on-line program development.

Academic Publications

Articles

Customary Corruption, 66 William & Mary Law Review 693 (2025)(with Ani Satz).

Theory of Genetic Dimensions in the Law, Polygenic Risk Scores, and Reproductive Decision Making, 38.2 Harv. J. L. & Tech. 527 (2024) (with Yaniv Heled)

A Theory of Genetic Dimensions in the Law, 99 Indiana Law Journal 1341 (2024) (with Y. Heled and A. Santos Rutschman).

A Statutory Solution to Misrepresentation by Reproductive Tissue Providers, 60 Houston Law Review 1 (2022) (with Y. Heled, H. Levin, T. Lytton).

Pharmaceutical (Re)capture, 20 Yale Journal of Health Policy, Law & Ethics 1 (2021).

Public-Private Litigation For Health, 2021 Utah Law Review 1173 (2021) (with R. Guttman).

Genetic Paparazzi: Beyond Genetic Privacy, 82 Ohio State Law Review 409 (2021) (with Y. Heled).

The Problem with Relying on Profit-Driven Models to Produce Pandemic Drugs, Journal of Law and the Biosciences, Vol. 7, Issue 1 (2020)(with Y. Heled and A. Santos Rutschman)

Why Healthcare Companies Should (Be)come Benefit Corporations, 60 Boston College Law Review 1 (2019) (with Y. Heled and C. Brewer).

The Hidden Costs of Free Patents, 78 Ohio State Law Review 1379 (2018).

Boundary-Spanning Collaboration and the Limits of Joint Inventorship Doctrine, 55 Houston Law Review 401 (2018).

North-South Collaborations to Promote Regional Health Innovation in Africa, 67 Emory Law Journal 619 (2018) (with S. Nwaka, D. Liotta and S. Sencer).

Pre-Competition, 95 North Carolina Law Review 102 (2016) (with J. Contreras).

Patents, Partnerships, and the Pre-Competitive Collaboration Myth in Pharmaceutical Innovation, 48 U.C. Davis Law Review 1509 (2015).

Making Room for Cooperative Innovation, 41 Florida State Law Review 1067 (2014).

Making Knowledge and Making Drugs? Experimenting with University Innovation Capacity, 62 Emory Law Journal 741 (2013).

Universities as Guardians of their Inventions, 2012 Utah Law Review 1949 (2013).

An Organizational Approach to the Design of Patent Law, 13 Minn. Journal of Law, Science & Technology 211 (2012).

Comparing Alternative Institutional Paths to Reform, 61 Alabama Law Review 501 (2010).

Responding to the Challenges of “Against Intellectual Monopoly”, 5 Review of Law & Economics 1115 (2009).

Reconsidering Patent Licensing in the Aftermath of MedImmune, 45 Houston Law Review 1609 (2009). (Modified version reprinted in Intellectual Property and Licensing Issues, editor P L Jayanthi Reddy, Chapter 5, Icafa University Press, 2009.)

Thinking About Thinking Machines: The Implications of Thinking Machines for Patent Law, 8 Boston University Journal of Science & technology Law 574 (2002) (with T. Rice).

Essays & Shorter Works

The More Things Change: In Memory of Dmitry Karshedt, 21 Northwestern Journal of Tech. and Intellectual Property 299 (2024).

GPT Gets its First Law School B-pluses, SSRN, February 16, 2024 (with Andrew Blair-Stanek et al).

Innovation Bullying, Health Affairs Forefront, September 11, 2023 (with Cynthia Ho).

To Promote Innovation, Congress and Companies Should Support Drug Development Cost Disclosure, Health Affairs Forefront, July 28, 2022 (with Cynthia Ho).

Demanding more impact from impact litigation: lessons to be learned from multi-state opioid settlements, STAT First Opinion, July 25, 2022.

Genetic paparazzi are right around the corner, and courts aren't ready to confront the legal quagmire of DNA theft, The Conversation, June 3, 2022.

Exercising March-In Rights Would Make Biomedical Public Private Partnerships Stronger, Health Affairs Blog, April 4, 2022.

Making Public-Private Partnerships Work Better to Combat Alzheimer's Disease, Health Affairs Blog, August 18, 2021.

To Address the Overdose Epidemic, Tackle Pharma Industry Influence, Bill of Health Blog, Monday August 2, 2021.

Regulatory Reactivity: FDA and the Response to Covid-19, 76 Food and Drug Law Journal No.2 (2021) (with A. Santos Rutschman and Y. Heled).

The Need for The Tort Law Privileges of Self-Defense and Necessity in Intellectual Property Law, University of Chicago Legal Forum, Volume 2021 (2021) (with A. Santos Rutschman and Y. Heled).

A Wrong Without A Remedy: Leaving Parents and Children With a Hollow Victory in Lawsuits Against Unscrupulous Sperm Banks, 96 Chicago-Kent Law Review 115 (2021)(with Y. Heled and T. Lytton).

Regulatory Reactivity in FDA's Approval of Aduhelm, *The Regulatory Review*, July 6, 2021 (online)(with A. Santos Rutchman and Y. Heled).

An Institutional Solution to Build Trust in Pandemic Vaccines, *Harvard Public Health Review*, Edition 31, 2021 (online)(with A. Santos Rutchman and Y. Heled).

FDA is Departing from Long-Standing Procedures to Deal With Public Health Crises and This May Foreshadow Problems for COVID-19 Vaccines; *The Conversation* (August 27, 2020) (with Y. Heled and A. Santos Rutchman).

Books and Book Chapters

A LAW AND ECONOMICS APPROACH TO CRIMINAL GANGS (Ashgate Publishing, 1999).

Reorienting Patent Policy Towards Responsible AI Design, chapter in *Research Handbook on the Law of Artificial Intelligence* (W. Barfield, U. Pagallo, eds), 2nd Edition, Edward Elgar Publisher (forthcoming 2025).

Genetic Paparazzi, Chapter 9 in *Consumer Genetic Technologies: Ethical and Legal Considerations* (Cambridge University Press, 2021) (co-edited by I. Cohen, N. Farahany, H. Greely, C. Shachar) (with Y. Heled).

The Innovation Arms Race on Academic Campuses, Chapter in *Research Handbook on Intellectual Property and Technology*, Edward Elgar Press (2020) (with Todd Sherer, Interim Vice President for Research Administration at Emory University).

Patents and Thinking Machines, Chapter 18 in *Research Handbook on Law and Artificial Intelligence*, Edward Elgar Press (2018).

Patent Pledges in the Cloud, Chapter 15 in *Patent Pledges - Global Perspectives on Patent Law's Private Ordering Frontier*, Jorge L. Contreras and Meredith Jacob, eds. New York: Edward Elgar (2017).

Recent Legislative Testimony, Amicus Briefs and Administrative Agency Workshops

U.S. Patent and Trademark Office Listening Session, July 25, 2024, Implications of the Proliferation of AI for the Knowledge of the PHOSITA (written and oral testimony)

NIH Workshop on Transforming Discoveries into Products: Maximizing NIH's Levers to Catalyze Technology Transfer, Session 1 on Technology Transfer Practices and Lessons from NIH's Intramural Programs, July 31, 2023.

U.S. Patent and Trademark Office (USPTO) and U.S. Food and Drug Administration Joint Listening Session, January 23, 2023 at the USPTO (written and oral testimony)

Comments on Rights to Federally Funded Inventions and Licensing of Government Owned Inventions, Response to Proposed Rulemaking by National Institute of Standards and Technology (NIST), US Department of Commerce, August 2021 (lead author, joined by J. Sarnoff, Y. Heled, A. Santos Rutchman and C. Ho).

Norman v Xytex (co-authored with T. Lytton and Y. Heled), Supreme Court of Georgia, Case No. S19G1486

Selected Trade Publications and Book Reviews

Review of The Branding of the American Mind: How Universities Capture, Manage, and Monetize Intellectual Property and Why it Matters by Jacob Rooksby, *IP Law Book Review*, Vol. 8 No. 2 (April 2018).

Understanding and Applying the CREATE Act in Collaborations. Chapter 3 in *AUTM Technology Transfer Practice Manual*, 2008.

Copyright Licensing, *The Licensing Journal*, May 2006.

Fixed Terms In A Changing World: Dealing With the Future In University/Industry Licensing, *US Industry Today*, August 2005 (with P. Waller).

The Hidden Costs of 'Free' Software, Article #12106, Volume 72, Issue 1, *Life Sciences*, February 2, 2004 (with S. Henry).

From Sony to Napster And Back? Copyright Law Implications of Decentralized File-Sharing Technology, Boston Bar Journal (2002) (with M. Albert).

Selected Recent Presentations

Contracting as Industrial Policy: Lessons from ARPA-H, Relational Contracting and the New Industrial Policy, Case Western University School of Law, November 8, 2024.

Patents and Public Private Partnerships: A Case Study of ARPA-H, MAPWIP, Georgetown Law School, Nov. 1, 2024

AI in Healthcare: For Profits or Patients?, Ohio State Moritz College of Law Health Law Colloquium, September 3, 2024.

AI in Healthcare and the Economic Misalignment Problem, Inaugural Conference of the International Association on Regulation and Governance, University of Pennsylvania School of Law, June 17, 2024

The Theory of Genetic Dimensions in the Law, Genetic Testing, and Reproductive Decision-Making, Annual Health Law Professors Conference, Temple Law School, June 7, 2024 (with Y. Heled).

The Double Misalignment Problem in AI Driven Healthcare, Third Annual Charm City Colloquium, University of Maryland Francis King Carey School of Law, May 3, 2024.

The Theory of Genetic Dimensions in the Law and Polygenic Risk Scores (with Y. Heled), Medical and Legal Uncertainty in Emerging Genetic Technologies, Harvard Journal of Law and Technology Symposium, March 23, 2024.

Customary Corruption (with A. Satz), *Consumer Law Scholars Conference*, Berkley School of Law, February 29, 2024

Pharmaceutical (Re)capture: The Myriad Pathways of Industry Influence Over Pharmaceutical Markets and Drug Policy, Health and the Public Interest Program, Fall Speaker Series, Georgetown University (virtual), November 1, 2023.

Patents, Partnerships and AI Innovation Policy, 2023 IP Mosaic Conference: Rights and Wrongs: Advancing Social Justice and Ethics, UIC Law, October 27, 2023 (hybrid).

Do we need an artificial intelligence patent policy?, Mid-Atlanta IP Works in Progress, Georgetown Law School, October 6, 2023.

U.S. Patent Policy Responses to the Challenges of AI Driven Innovation, Intellectual Property Scholars Conference, August 3, 2023.

Through the Broken Gate; Pathways of Influence and Off Label Harms, Health Law Professors Conference, University of Maryland Francis King Carey School of Law, June 8, 2023.

US Patent Policy Responses to AI and its Impact on How We Innovate, PatCon: The Annual Patent Conference, Northwestern Law School, April 14, 2023.

Opportunities and Challenges of Public-Private Partnerships to Develop Novel Treatments, Program on Regulation, Therapeutics and Law (PORTAL) Guest lecture, Harvard University, July 13, 2022.

Disconnect Between Genetics and the Law, Annual Health Law Professors Conference, Arizona State Law School, June 8, 2022.

Theory of Genetic Dimensions and the Law, Governing Emerging Technologies (GETS) conference, Arizona State Law School, May 19, 2022.

How will the Supreme Court treat pandemic related public health issues in the upcoming term?, Supreme Court Preview, University of Maryland Francis King Carey Law School Webinar, October 6, 2021.

Trust in Law as a Social Determinant of Health, Charm City Colloquium on Law and Bioethics, Johns Hopkins University and University of Maryland Francis King Carey School of Law, September 10, 2021.

Public-Private Litigation for Health, Emory Faculty Colloquium, September 1, 2021.

Patenting AI and Innovation Capacity, IP Scholars Conference, August 5, 2021.

Looking at Pharmaceutical Industry Influence: Pharmaceutical (Re)capture, Emory-University of Georgia Workshop, July 15, 2021.

Pharmaceutical (Re)capture, Health Law Professors Conference, Northeastern Law School, June 10, 2021.

AI, Patents, and Competition, WIPIP 2020, February 18, 2021.

The Need for Tort Law Privileges of Self-Defense and Necessity in IP Law, presented at University of Chicago Legal Forum, Symposium: Law for the Next Pandemic, November 6, 2020, and at WIPIP 2021, February 19, 2021 (collaborative presentation with A. Santos Rutschman and Y. Heled).

Regulatory Reactivity: FDA and the Response to Covid-19, Food and Drug Law Journal 2020 Symposium, “This Teachable Moment: How COVID-19 Provides Lessons from FDA’s Past and Present That Will Benefit Its Future Preparedness,” November 13, 2020 (collaborative presentation with co-authors A. Santos Rutschman and Y. Heled)

Addressing Agency Reactivity at the Food and Drug Administration to Protect Evidence Based Decision-Making and Improve Public Trust in the Authorization of COVID-19 related Products, What Could Congress Do about the Pandemic by December 18: A Workshop of Academic and Policy Experts, Emory-Georgia State University collaboration, December 4, 2020.

Writing Their Own Patent Laws, IPSC 2020, hosted by Stanford Law School, July 24, 2020.

Prioritizing Public Health in Public-Private Public Health Litigation (with R. Guttman), presented at AALS Health Workshop in June 2020 and Emory-UGA Workshop (Virtual), July 8, 2020.

The Procurement of Public Health Litigation and its Implications for Public Health, (with R. Guttman), 2020 Annual Health Law Conference: Public Health Litigation: Possibilities and Pitfalls, Northeastern School of Law, April 17, 2020.

Comments on The Judicial Policing of Patent Damage Experts, Texas Law Review Symposium, Texas Law School, February 1, 2020.

Litigation as a Public Health Strategy, Annual Health Law Professor’s Conference, June 6, 2019.

Rethinking the Role of the Prescriber with the Vulnerable Subject in Mind, Law & Society, Washington DC, June 1, 2019.

Genetic Paparazzi versus Genetic Privacy, Petrie-Flom Conference on Consuming Genetics, Harvard Law School, May 17, 2019.

Genetic Paparazzi and the Inadequacy of Genetic Privacy, Cornell Legal Research Workshop, April 18, 2019.

Impact of Domestic Corporate Strategies on Global Health Inequities, Global Health Inequities and Infectious Disease Workshop, University of Pittsburgh Law School, April 12, 2019.

The Innovation Arms Race on Academic Campuses, MAPWIP (Patent Scholars Workshop), American University Law School, September 28, 2018.

Why Healthcare Companies Should Be(come) Benefit Corporations: Implications for Access to Essential Medicines, Fifth Global Congress on Intellectual Property and the Public Interest, September 27, 2018.

Rethinking the Role of the Prescriber with the Vulnerable Subject in Mind: What we can learn from the Opioid Epidemic, Wiet Life Sciences Law Scholars Conference, September 7, 2018.

Rethinking the Role of the Prescriber: Implications for Public Health, ASLME Annual Health Law Professors Conference, June 7, 2018.

The Vulnerable Subject as Patient and the Role of the Physician, Vulnerability and the Social Reproduction of Resilient Societies Workshop, Emory Law School, May 31, 2018.

Changing the Company to Change the Result: Application to the Opioid Epidemic, Stanford Biolaw Conference, March 23, 2018.

Sharing Genetic Sequence Data for Global Health, The Joharis Symposium on Health Law and Intellectual Property, February 22, 2018.

AI, Competition and Innovation, Faculty Colloquium, Washington College of Law, American University, February 12, 2018.

Previous Experience

Associate, Wolf, Greenfield & Sacks, P.C. (2003 – 2007); Of Counsel (2007) Member of the Intellectual Property Transactions, Biotechnology and Chemical Groups, practicing primarily in the area of licensing and other transactions involving intellectual property or intangible assets.

Associate, Hill & Barlow, PC (1998-2003) Member of the corporate department with IP transactions focus.

Judicial Clerkship (June 1997 - June 1998) Clerkship with Judge Stanley Marcus, Federal District Court, Southern Dist. of Florida/Federal Court of Appeals, Eleventh Circuit.

Harvard Legal Aid Bureau, Student Member (Fall 1995 - Spring 1997)

Kirkpatrick & Lockhart, LLP, Summer Associate (Summer 1996)

Harvard Law School, Independent Research (Spring 1994 – 1997). Development of a research program on the economic organization of street gangs.

Harvard Law School, Research Assistant (Summer 1995). Researched use of a law and economics approach to determine child support payments for Dr. Martha Minnow. Researched corporate finance issues for Dr. Lucien Bebchuck.

Harvard University, Kennedy School of Government, Teaching Assistant (Spring 1994) Teaching assistant for Dr. Scherer for a course on the economic analysis of govt. regulation.

World Bank, Private Sector Development Branch, Researcher (Summer 1993) Researcher for Dr. Sham Khemani, involving analysis of Russian industrial policy.

Projects and Working Groups

Working Group Convenor, Carey LawTech Group (2025 -)

Faculty Co-Advisor, Maryland Journal of Business & Technology Law (2022 -); Maryland Journal of Health, Law & Policy (2024-25).

Project Leader, Global Health Law & Policy Project, Emory Law School (2008 - 2022)

Project Co-Leader, Innovative Learning Project (2020 -)(with Professor Pinder)

Faculty Advisor, Emory Law Corporate Governance and Accountability Review (ECGAR) (2018 - 2022)

Emory Global Health Institute Fellow, Emory Global Health Institute (2014 - 2022)

Faculty Advisor, Emory chapter of Universities Allied for Essential Medicine (formerly Emory Global Access Partnership Student Group), (2008-2022)

Member of Working Group, IANPHI project with Africa CDC on legal frameworks for public health (2018)

Member of Working Group, University Role in Addressing Access to Essential Medicines, Emory University (2007-2008)

Affiliated Faculty, Vulnerability Project, Emory Law School (2008 - 2022)

Select Board and Committee Activities

Member of Journal of Law, Medicine and Ethics (JLME) Editorial Board (2025 -)

Faculty Senate, University of Maryland, Baltimore Campus (2023 -)

Appointments Committee, University of Maryland Francis King Carey School of Law (2023 - 2024)

E2P2 (Ethics and Engaged Professionalism Project) Advisory Board (2018 -2019)

Class & Labor Committee, Provost's Office, Emory University (2018 - 2019)

Appointments Committee, Emory Law School (2018 - 2019)

Contract Faculty Promotion Committee, Emory Law School (2018 -2022)

Emory Law Dean Search Committee (2018 -2019)

Emory Health Law Task Force (2012 - 2014)

Colloquium and Scholarship Committee, Emory Law School (2009- 2013, 2017-2018)

Intellectual Property Journal Committee, Emory Law School (2007)

Member of the Strategic Planning Committee for National Foundation for Teaching Entrepreneurship (NFTE), a New York non-profit organization targeted at disadvantaged youth (2003 - 2009)
Economic Justice Project (affiliated with Lawyers Committee) (2005-2006)
Judge, FIRST Robotics Regional Competition (2006, 2007)
MIT 50K mentor for social enterprise participants (2004 – 2007)

Awards

Boston Business Journal 40 Under 40 Award Recipient 2006
Rising Star Lawyer, Boston Magazine, 2005, 2006
Harvard Graduate School of Arts & Sciences Scholarship for Doctoral Program, 1992-94

Professional Associations

American Society of Law, Medicine and Ethics; The GEORGE Consortium (public health law); Scholars Strategy Network;
Rx-Allies, International Association on Regulation and Governance, ComplianceNet

Admitted to Practice Massachusetts, 1997 Georgia, 2007